

## **9 FAM 42.74**

### **Issuance of new or replacement visas.**

*(TL:VISA-177; 04-30-1998)*

#### **(a) New immigrant visa for special immigrant under INA 101(a)(27)(A) and (B).**

*(TL:VISA-177; 04-30-1998)*

*(1) The consular officer may issue a new immigrant visa to a qualified alien entitled to status under INA 101(a)(27)(A) or (B), who establishes:*

- (i) That the original visa has been lost, mutilated or has expired, or*
- (ii) The alien will be unable to use it during the period of its validity;*

*(2) Provided:*

*(i) The alien pays anew the statutory application and issuance fees;  
and*

*The consular officer ascertains whether the original issuing office knows of any reason why a new visa should not be issued.*

*[Amended by 63 FR 4394, Jan. 29, 1998.]*

#### **(b) Replacement immigrant visa for an immediate relative or for an alien subject to numerical limitation.**

*(TL:VISA-177; 04-30-1998)*

*(1) A consular officer may issue a replacement visa under the original number to a qualified alien entitled to status under INA 201(b)(2)(A)(i), INA 203(a), (b), or (c), or under INA 124, if*

*(i) The alien is unable to use the visa during the period of its validity due to reasons beyond the alien's control;*

*(ii) The visa is issued during the same fiscal year in which the original visa was issued;*

*(iii) The number has not been returned to the Department as a "re-captured visa number";*

*(iv) The alien pays anew the statutory application and issuance fees;  
and*

(v) *The consular officer ascertains whether the original issuing office knows of any reason why a new visa should not be issued.*

(2) *In issuing a visa under paragraph (b), the consular officer shall insert the word "REPLACE" on Form OF-155A, Immigrant Visa and Alien Registration, before the word "IMMIGRANT" in the title of the visa.*

*[Amended by 63 FR 4394, Jan. 29, 1998.]*

**(c) Duplicate visas issued within the validity period of the original visa.**

*(TL:VISA-3; 8-30-87)*

If the validity of a visa previously issued has not yet terminated and the original visa has been lost or mutilated, a duplicate visa may be issued containing all of the information appearing on the original visa, including the original issuance and expiration dates. The applicant shall execute a new application and provide copies of the supporting documents submitted in support of the original application. The alien must pay anew the application and issuance fees. In issuing a visa under this paragraph, the consular officer shall insert the word "DUPLICATE" on Form OF-155A before the word "IMMIGRANT" in the title of the visa.

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## **9 FAM 42.74 Related Statutory Provisions**

### **INA 206**

*(TL:VISA-159; 12-20-96)*

SEC. 206. If an immigrant having an immigrant visa is denied admission to the United States and removed, or does not apply for admission before the expiration of the validity of his visa, or if an alien having an immigrant visa issued to him as a preference immigrant is found not to be a preference immigrant, an immigrant visa or a preference immigrant visa, as the case may be, may be issued in lieu thereof to another qualified alien.

*[Amended by sec. 624(b) of Pub. L. 104-208, Sept. 30, 1996.]*

## **INA 221(c), in part**

*(TL:VISA-159; 12-20-96)*

(c) An immigrant visa shall be valid for such period, not exceeding six months, as shall be by regulation prescribed, except that any visa issued to a child lawfully adopted by a United States citizen and spouse while such citizen is serving abroad in the United States Armed Forces or is employed abroad by the United States Government, or is temporarily abroad on business, shall be valid until such time, for a period not to exceed three years, as the adoptive citizen parent returns to the United States in due course of his service, employment, or business.

[Amended by sec. 631 of Pub. L. 104-208, Sept. 30, 1996.]

## **INA Section 222(b)**

*(TL:VISA-5; 11-20-87)*

(b) Every alien applying for an immigrant visa shall present a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Secretary of State. The immigrant shall furnish to the consular officer with his application a copy of a certification by the appropriate police authorities stating what their records show concerning the immigrant; a certified copy of any existing prison record, military record, and record of his birth; and a certified copy of all other records or documents concerning him or his case which may be required by the consular officer. The copy of each document so furnished shall be permanently attached to the application and become a part thereof. In the event that the immigrant establishes to the satisfaction of the consular officer that any document or record required by this subsection is unobtainable, the consular officer may permit the immigrant to submit in lieu of such document or record other satisfactory evidence of the fact to which such document or record would, if obtainable, pertain.